THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 14876 of 2007

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Oral order:

The petitioner, while working with BSNL as Sr.TOA-TG at Srikakulam, under deployment category, was transferred vide orders dated 11.06.2007 of the 3rd respondent, to CSC, Narsannapeta. The petitioner claims that he reported at CSC, Narsannapeta on 13.06.2007. However, it is the grievance of the petitioner that on the very next day of his joining, i.e. on 14.06.2007, the 3rd respondent passed orders transferring him from CSC, Narsannapeta to CSC, Ichapuram. It is this order, which the petitioner seeks to challenge in this writ petition, as being illegal and arbitrary.

The learned counsel for the petitioner submits that the petitioner having been transferred from Srikakulam to Narsannapeta, on 11.06.2007, he is entitled to continue at Narsannapeta for a period of four years, and the action of the

3rd respondent in transferring the petitioner from Narsannapeta to Ichapuram, within a period of four days, is illegal and arbitrary. He further submitted that the petitioner's mother is unwell, and he has to take care of her, and since proper medical facilities are not available in Ichapuram, he should be retained at Narsannapeta itself. Hence, prayed that the impugned order be set aside and the writ petition be allowed.

The respondents-BSNL filed counter. The learned Standing Counsel for the respondents reiterating the counter averments submitted that the petitioner was initially transferred to Narsannapeta, and subsequently, they have transferred him to Ichapuram because one Simhadri, who was identified as the junior-most person in Srikakulam and was liable to be transferred, made a request for his retention at Srikakulam, and considering the fact that he earlier worked in Orissa for more than 25 years and the fact that he is old and is facing health problems, the 3rd respondent, with a view to retain the said Simhadri at Srikakulam, transferred the petitioner from Narsannapeta to Ichapuram. The four day period of stay of the petitioner at Narsannapeta till he was transferred to Ichapuram, was treated as

deputation. In fact, the petitioner was relieved on 12.07.2007, but having regard to the interim order passed by this Court, the petitioner has not joined at Ichapuram.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-BSNL.

The petitioner, as can be seen from the counter of the respondents, has been transferred on administrative grounds. Though the petitioner initially was transferred from Srikakulam to Narsannapeta, and thereafter, from Narsannapeta to Ichapuram, the fact remains, the respondents have treated the four day stay period of the petitioner at Narsannapeta i.e. 13.06.2007 to 16.06.2007, the date on which he was transferred to Ichapuram, as on deputation. The petitioner, therefore, cannot contend that he was transferred for the second time within a period of four days, and that his transfer from Narsannapeta to Ichapuram, is contrary to the transfer guidelines and that he is entitled to continue at Narsannapeta for four years. This apart, transfer is an incidence of service, and is made on administrative grounds. Though one Simhadri, being the junior most in Srikakulam, as per the transfer rules, is to be transferred, but it is the case of the respondents that the said Simhadri, who is an old person facing medical problems, made a request for his retention at Srikakulam, and considering the said request, they have retained the said Simhadri at Srikakulam, and further considering the fact that Ichapuram is a busy centre and there is lot of potential to develop telecommunication business, and given the fact that the petitioner is a very young person and at the threshold of his career, have decided to transfer him to Ichapuram. Since the four day period of stay of the petitioner at Narsannapeta was treated as on deputation, the petitioner has to be treated as having been transferred from Srikakulam to Ichapuram, and the same having been made keeping in view the administrative needs of the respondents at Ichapuram, no interference is called for therewith.

There is no merit in the writ petition, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Dated: 14th September, 2007.
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